TABLE OF CONTENTS
SH#2194885

OFFICER INVOLVED SHOOTING FORM

INVESTIGATIVE SUMMARY

Transcriptions of Interviews

EXHIBITS

A- Incident Report, File Number 007-20819-2199-055
B- Supplemental Reports
C- Photographs of scene
D- Aerial Photographs
E- Area and Neighborhood Maps
F - Sketch of Scene
G- Criminal History for Suspect Jesus Ernesto DeLaCruz
H- In-Service Sheets
I - Training Records
J - Photographs of Suspect's Vehicle
K - Photographs of Suspect's injuries
L - CD Containing Photographs of Scene, Suspect Vehicle and Deputies
M - CD Containing Audio Recording of Dispatch Four and Ltac[redacted]
N - Homicide Case Book

MISCELLANEOUS DOCUMENTS

Admonition forms
Receipt for documents
Unit History
District Attorney's Letter of Opinion

Los An[illegible]les County Sheriff's Depar[illegible]ment

Officer Involved Shooting

Report Date: October 25, 2007	Bureau/Station/Facility: Century Station	Admin. Invest.? ☐ Hit? ☐

Incident Information

URN: 007-20819-2199-051	Date: October 23 2007 Time: 2351 hours
City or Station: Century Station	Nature of Incident: While conducting routine patrol, deputies encountered a male driving a vehicle towards their patrol unit, at a high rate of speed. As the vehicle approached, the deputies saw that the driver was holding a gun in his left hand, pointing it at the deputies. Fearing for his and his partner's safety, the Driver deputy fired three rounds at the suspect. The suspect continued and drove towards another sheriff's unit and pointed his gun at the deputies. Both deputies, fearing for their lives fired several rounds at the suspect.
Location: San Antonio ave. and Liberty Blvd. South Gate.	

Location Type (*circle one or more*): Backyard, Beach, Business, Freeway, Industrial, Park, Parking Lot, Residence, Rural, School, (Street — circled), Other: ______

Lighting (*circle only one*): Darkness, Daylight, Other, (Street Lights — circled)

Weather (*circle only one*): (Clear — circled), (Cloudy — circled), Fog, Rain

Distance: Five Feet

Incident Type (*circle one or more*): Accidental, (Armed Person — circled), Fleeing Suspect, Foot Pursuit, Gun Take Away, (Moving Vehicle — circled), Sniper/Ambush, Startle, Struggle Involved, Traffic Stop, Unarmed Person, Unintentional, (Vehicle Pursuit — circled), Warrant Service, Warning Shot, Other: ______

Initiated by (*circle only one*): Arrest Warrant, Call, (Observation — circled), One Person Unit, Other, Search Warrant, (Two Person Unit — circled)

Prior Activity (*circle only one*): Detective, Inmate Transport, Other, (Routine Patrol — circled)

Aero Unit? ☒ Canine Unit? ☐

Total # of Shots Fired by Deputy	Total # of Shots Fired by Suspect
13 total	0

Employee Witnesses

Employee #	Last Name	First Name	M.I.	ShiftTime (*circle only one*):	ShiftType (*circle only one*):
[redacted]	[redacted]	[redacted]		EM (PM — circled) Day	(Regular — circled) Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty

Non-Employee Witnesses

Last Name	First Name	M.I.			
[redacted]	[redacted]				
Street Address	**City**	**Zip Code**	**Work Ph**	**Home Ph**	
[redacted]	[redacted]		n/a	n/a	
Last Name	**First Name**	**M.I.**			
Street Address	**City**	**Zip Code**	**Work Ph**	**Home Ph**	
Last Name	**First Name**	**M.I.**			
Street Address	**City**	**Zip Code**	**Work Ph**	**Home Ph**	

Supervisors

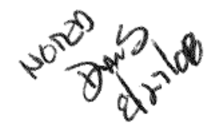
Employee #	Last Name	First Name	M.I	(*circle one or more*):
[redacted]	Auner	David		(On Duty — circled), Present during shooting, Witness to shooting, Involved in shooting
[redacted]	Colton	Mike		On Duty, Present during shooting, Witness to shooting, Involved in shooting

Watch Sergeant

Employee #	Last Name	First Name	M.I.
[redacted]	Ellison	Dana	

Watch Commander

Employee #	Last Name	First Name	M.I.
[redacted]	Maldonado	Albert	



PSTD Use Only
SH # ______

Officer Involved Shooting

URN: 007-20819-2199-051

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
October 25, 2007	0345		

Employee #	Last Name	First Name	M.I
[redacted]	Whitham	David	L.
[redacted]	Stunson	David	J.
[redacted]	Flores	Carlos	E.

Shooting / Force Information

Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

FORCE APPLIED *(one code per block)*

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
s#1	E#1	FH	ZZ	WW	N	N	NN	
s#1	E#2	FH	ZZ	WW	N	N	NN	
E#1	s#1	FH	HK	45	Y	Y	GS	
E#2	s#1	FH	BR	9	Y	Y	GS	
E#3	s#1	FH	BR	9	Y	Y	GS	

Officer Involved Shooting
Involved Employee Information



URN: 007-20819-2199-051

Involved Employee

E 1

Employee # [redacted]	Last Name: Garcia	First Name: Antonio	M.I.
Sex: M Race: H	Rank: Deputy Sheriff	Unit Assignment: Century Station	Work Assignment (Unit #, Module, etc): 210N1
ShiftTime (*circle only one*): EM (PM circled) Day	ShiftType (*circle only one*): (Regular circled) Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, (Uniform w/ Vest circled)	Other Factors:
Age: [redacted]	Height: 507	Weight: 180	
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? ☒	Patrol Certification? ☒	Certification Unit: CEN	Prior Shootings? ☐ Number of Prior Shootings: 0 Directed Force: ☐
Weapons Fired Brand: H & K	Caliber: .45	# Shots: 3	Weapons Fired Brand: Caliber: # Shots:
Field Training Officer Emp #	Last Name [redacted]	First Name [redacted]	M.I.
Field Training Officer Emp #	Last Name [redacted]	First Name [redacted]	M.I.

E 2

Employee # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.
Sex: [redacted] Race: Hispanic	Rank: Deputy Sheriff	Unit Assignment: Century Station	Work Assignment (Unit #, Module, etc): [redacted]
ShiftTime (*circle only one*): EM (PM circled) Day	ShiftType (*circle only one*): (Regular circled) Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest	Other Factors:
Age: [redacted]	Height: [redacted]	Weight: [redacted]	
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? ☒	Patrol Certification? ☒	Certification Unit: CEN	Prior Shootings? ☐ Number of Prior Shootings: 0 Directed Force: ☐
Weapons Fired Brand: BERETTA	Caliber: 9MM	# Shots: 6	Weapons Fired Brand: Caliber: # Shots:
Field Training Officer Emp #	Last Name [redacted]	First Name [redacted]	M.I.
Field Training Officer Emp #	Last Name [redacted]	First Name [redacted]	M.I.

E 3

Employee # [redacted]	Last Name: Curko	First Name: Marcello	M.I.
Sex: M Race:	Rank: Deputy Sheriff	Unit Assignment: Century Station	Work Assignment (Unit #, Module, etc): 210N2
ShiftTime (*circle only one*): EM (PM circled) Day	ShiftType (*circle only one*): (Regular circled) Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, (Uniform w/ Vest circled)	Other Factors:
Age: [redacted]	Height: 601	Weight: 205	
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? ☒	Patrol Certification? ☒	Certification Unit: CEN	Prior Shootings? ☐ Number of Prior Shootings: 0 Directed Force: ☐
Weapons Fired Brand: BERETTA	Caliber: 9MM	# Shots: 4	Weapons Fired Brand: Caliber: # Shots:
Field Training Officer Emp #	Last Name [redacted]	First Name [redacted]	M.I
Field Training Officer Emp #	Last Name	First Name	M.I.

Officer Involved Shooting Suspect Information

URN: 007-20819-2199-051

Suspect Information

S__ Last Name: Delacruz		First Name: Jesus	M.I.
AKA Last Name		First Name	M.I.
Sex: M Race: Hispanic	Street Address: [redacted]	City: [redacted]	State & Zip Code: Ca
Work Phone: N/A	Home Phone: N/A	Social Security #:	Driver's License #: [redacted]
Age: 26 D.O.B. 01-02-91	Height: 508 Weight: 180	FBI #: [redacted]	CII #: [redacted]
Booking #: 1030006	Primary Charge: 245(D)(2)PC	Secondary Charge:	2800.2(A)CVC
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☒	Apprehended? ☒	Mental Illness? ☐	Criminal History? ☐
Vehicle Make: NISSAN		Model: MAXIMA	Year: 2007

S__ Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

S__ Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

S__ Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

See Other Side

INVESTIGATIVE SUMMARY
DEPUTY INVOLVED SHOOTING: HIT
SH# 2194885
URN 007-20819-2199-055

DATE / TIME / LOCATIONS

Tuesday, October 23, 2007
2352 hours
Intersection of Liberty Blvd. And San Antonio Street, Southgate

Deputies Antonio Garcia and [redacted] (Unit 210N1) were traveling east on Liberty Blvd., in the city of Southgate. As they approached San Antonio Av., they began to make a left turn. As they began their turn, they observed a black vehicle (Suspect's vehicle) traveling south, directly towards them. The suspect's vehicle was traveling at a high rate of speed without its headlights on, and in the middle of the street.

Deputy Garcia was forced to stop the patrol unit, due to several vehicles parked on the east side of San Antonio Av. Deputy Garcia stopped the unit, in the intersection, facing in a north east direction. The suspect's vehicle continued to approach, traveling directly towards Deputy Garcia's driver's door. The deputies observed two occupants, later identified as Jesus Delacruz (driver/suspect) and [redacted].

The deputies saw Suspect Delacruz holding on to a firearm in his left hand, as he steered the vehicle with his right. As the suspect approached, the deputies saw Suspect Delacruz point the firearm directly at Deputy Garcia. Fearing for his life, and his partner's life, Deputy Garcia immediately drew his firearm and shot at the suspect three times.

Suspect Delacruz immediately turned his vehicle to the right, and continued onto westbound Liberty Blvd., as both deputies exited the patrol unit. As the suspect continued west on Liberty Blvd., the deputies heard additional gun shots.

Prior to Deputy Garcia's shooting, Deputies [redacted] and Marcello Curko (Unit 210N2), had seen Deputy Garcia's patrol unit traveling east on Liberty Blvd. The deputies decided to follow Deputy Garcia's vehicle, which was approximately two blocks distance away. Deputies [redacted] and Curko were uncertain if the patrol unit they had seen was a Sheriff's Department Unit or a unit from a different department. They drove north on California Av., and turned east on Liberty Blvd.

As they turned onto Liberty Blvd., they saw the patrol unit stopped at the intersection of Liberty Blvd., and San Antonio Av. The deputies then heard gunshots, which caused them to bring their unit to a stop. The deputies then saw a vehicle (Suspect Delacruz' vehicle) traveling west on Liberty Blvd., from San Antonio Av., at a high rate of speed.

Believing the vehicle was somehow involved in the shooting, both deputies exited their patrol vehicle and looked for positions of cover or concealment.

IAB Note: During their interviews, Deputies Curko and [redacted], both stated they have received training regarding shootings and patrol vehicles. Both stated they believed their chances of survival were enhanced if they created distance between themselves and their patrol vehicle.

Deputy [redacted] took a position on the north sidewalk of Liberty Blvd., and Deputy Curko took a position on the south sidewalk. As the suspect's vehicle approached, both deputies saw Suspect Delacruz steering the vehicle with his left hand, and holding a firearm with his right. Both deputies saw Suspect Delacruz point his firearm at Deputy [redacted].

Fearing for Deputy [redacted]'s life, both deputies fired several rounds at Suspect Delacruz. Suspect Delacruz continued west, and then turned north onto California Av. Deputies Garcia and [redacted] began pursuing the suspect, who was several blocks ahead of them. They initiated emergency radio traffic, and advised assisting units of their position.

Deputies [redacted] and Curko reentered their vehicle and began traveling in the same direction, north on California Av. However, upon turning onto California Av., they could no longer see the suspect's vehicle.

Deputies Garcia and [redacted] lost sight of the suspect's vehicle, and they advised the responding units to take positions of containment. After several minutes of looking for the suspect, deputies were advised the suspect's vehicle had been found parked on 60th Street and Loma Vista Av., in the city of Maywood.

Deputies inspected the vehicle and saw it had blood in the driver's seat, and a blood trail leading towards a nearby home. They were also advised the residents of that home had called the Maywood Police Department, and reported there was a gunshot victim inside.

Deputies contained the residence, and utilizing their "PA" system, ordered the occupants out of the house. Suspect Delacruz exited the home, [redacted]. All four of the involved deputies identified Suspect Delacruz as the suspect who had pointed the firearm at them. Suspect Delacruz sustained multiple gunshot wounds. He was transported to St. Francis Hospital, located at 3630 E. Imperial Hwy. Lynwood, and treated for his injuries. None of the deputies sustained any injuries.

A search for the suspect's firearm was met with negative results.

IAB Note: During his interview with homicide detectives, Suspect Delacruz stated he never had a firearm in his possession. [redacted] Witness [redacted] said Suspect Delacruz was in possession of a firearm and had pointed it at the deputies. [redacted] Suspect Delacruz

threw the firearm out of the vehicle's sun roof, while fleeing from the police. Several searches for the firearm met negative results.

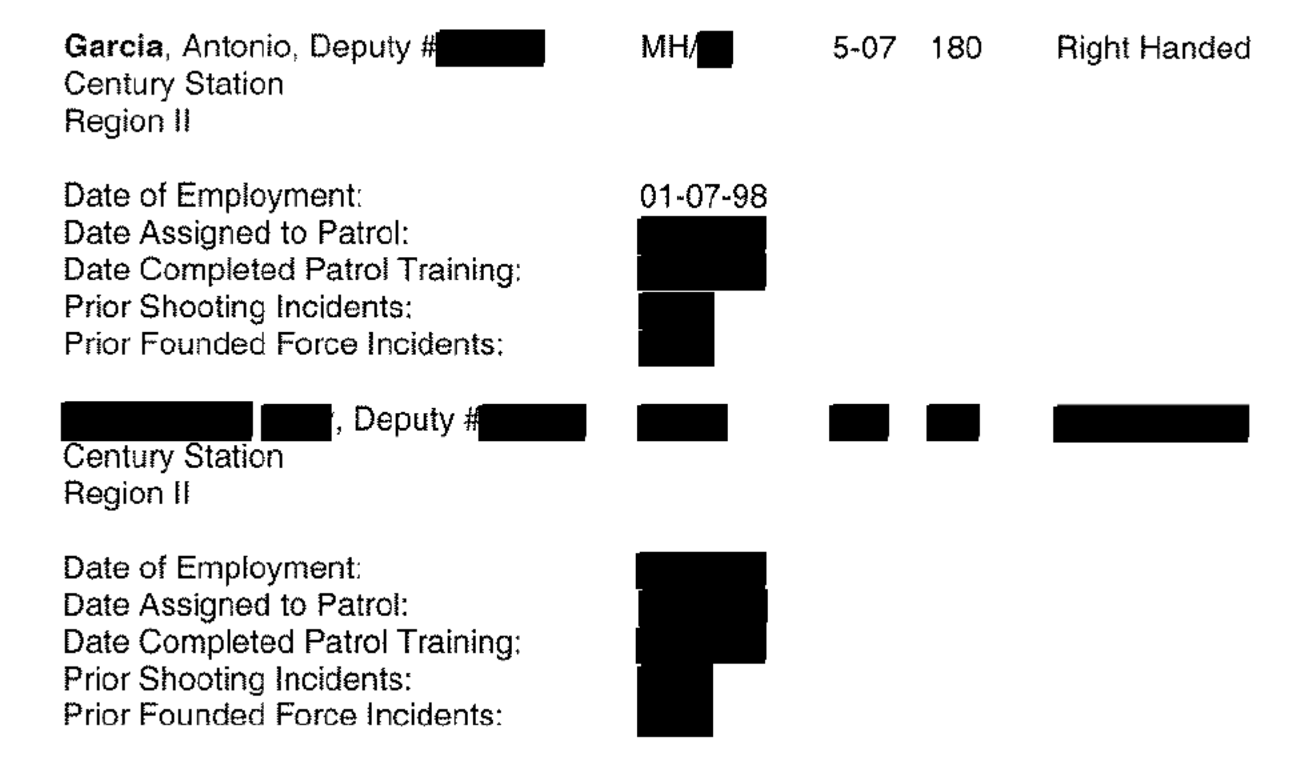
Internal Affairs Bureau Lieutenant David Whitham was notified and Sergeants Carlos Flores and David Stunson responded to Century Station to conduct an administrative review of the incident. The following review is based on written documentation, interviews of witnesses, involved deputies, and medical staff.

IAB Note: Homicide detective's case book is included in this report. See Exhibit N. Incident Reports and Supplemental Reports are also included. See Exhibits A, B and N.

IAB SHOOTING / FORCE TEAM

Lieutenant David Whitham; Sergeant Carlos Flores and Sergeant David Stunson

INVOLVED PERSONNEL



Garcia, Antonio, Deputy #[redacted]	MH/[redacted]	5-07	180	Right Handed

Century Station
Region II

Date of Employment:	01-07-98
Date Assigned to Patrol:	[redacted]
Date Completed Patrol Training:	[redacted]
Prior Shooting Incidents:	[redacted]
Prior Founded Force Incidents:	[redacted]

[redacted], Deputy #[redacted]	[redacted]	[redacted]	[redacted]	[redacted]

Century Station
Region II

Date of Employment:	[redacted]
Date Assigned to Patrol:	[redacted]
Date Completed Patrol Training:	[redacted]
Prior Shooting Incidents:	[redacted]
Prior Founded Force Incidents:	[redacted]

Curko, Marcello, Deputy #[redacted] MW/[redacted] 6-01 205 Right Handed
Century Station
Region II

Date of Employment: 05-06-99
Date Assigned to Patrol: [redacted]
Date Completed Patrol Training:
Prior Shooting Incidents:
Prior Founded Force Incidents:

SUSPECTS

Delacruz, Jesus MH/27 5-08 175

[redacted].

[redacted] He is a known member of the "Primera Flats Gang," with the moniker "Player."

> **IAB Note:** During his interview with homicide investigators, Suspect Delacruz said he was a member of East Los Angeles Gang,[redacted]"Suspect Delacruz' Criminal History Report is included in this report. See Exhibit G.

EMPLOYEE WITNESSES

[redacted], Deputy [redacted]

Auner, David, Sergeant [redacted]

NON-EMPLOYEE WITNESSES

[redacted]

INJURIES

Suspect Delacruz:

The suspect sustained gunshot wounds to his left leg, right arm, right buttock and to the

back of his head. He was treated at St. Francis Hospital, located at 3630 E. Imperial Hwy. Lynwood.

IAB Note: Photographs of Suspect Delacruz' injuries are included in this report. See Exhibit K.

Deputy Personnel:

None.

PHYSICAL EVIDENCE

Numerous expended 9mm shells and bullet fragments were found on the north sidewalk of Liberty Blvd., just east of California Av. Additional expended 9mm shells were found on the south sidewalk of Liberty Blvd., just east of California Av. Expended 9mm shells were also found on the north east corner of San Antonio Av. and Liberty Blvd.

(refer to **Exhibit C and D, photographs of scene, and Exhibit F, sketch of scene**).

DISTANCE

5 to15 feet.

INVESTIGATOR OBSERVATIONS

The location of the first shooting was the corner of Liberty Blvd., and San Antonio Av., Southgate. A residential area. The involved deputy was positioned approximately six to eight feet away from the suspect when the shooting occurred. The location of the second shooting was on Liberty Blvd., between California Av. and San Antonio Av. The involved deputies were positioned approximately fifteen to twenty feet away from the suspect when the shooting occurred.

The time of the shooting was approximately 2350 hours. There was minimal vehicle traffic in the area, and no pedestrian traffic.

IAB Note: Photographs of scene are included in this report. See Exhibits C, D and L. Area and neighborhood maps are also included. See Exhibit E.

REVIEW OF RADIO TRANSMISSIONS

The Internal Affairs Investigator reviewed the radio broadcast during the incident. On the recording, a deputy (later identified as Deputy Curko), requests emergency clearance ([redacted]). Deputy Curko advises they have been involved in a shooting "[redacted]" on Liberty Blvd.,

just east of California Av. Deputy Curko also advises that all deputies are accounted for, and that the suspect vehicle is now traveling northbound on California Av.

Approximately forty five seconds after Deputy Curko's initial broadcast, another deputy (later identified as Deputy [redacted]), begins to broadcast that they are in pursuit of the suspect vehicle. Deputy [redacted] advises the suspect vehicle is a black Nissan Maxima, and the suspect is a Hispanic male. Deputy [redacted] also provides their location; California Av., at Gage Av. Deputy [redacted] also states their vehicle is running low on gasoline.

Deputy [redacted] updates his location two more times during the pursuit broadcast. He first advises that they are northbound on Maywood Av., north of Randolph St. He then advises that they are northbound on Maywood Av. at Slauson Av. Deputy [redacted] then states they lost the vehicle at Maywood Av. and Slauson Av. The duration of the pursuit broadcast is approximately one minute and thirty nine seconds.

After losing the vehicle, Deputy [redacted] begins to coordinate units to the scene and positions them in containment locations. Approximately eight minutes after Deputy [redacted] advised they had lost the vehicle, an unidentified deputy advises the suspect vehicle was found parked on 60th Street and Loma Vista Av., in the city of Maywood.

Additional radio traffic consists of the handling deputies and other units. They coordinate their resources for the best course of action in approaching the suspect's residence, and bringing in rescue units after the suspect is secured.

IAB Note: Recording of emergency traffic is included in this report. See Exhibit M. (Emergency broadcast begins at 17 minutes and 13 seconds of the CD recording).

LIGHTING AND WEATHER CONDITIONS

It was clear, and night time, with ambient lighting from overhead street lights. There is a convenience store (7-11) located on the north east corner of California Av. and Liberty Blvd. There is also a coin operated laundry business east of the 7-11. Both businesses provide very good lighting on Liberty Blvd.

WEAPONS USED BY DEPUTY PERSONNEL

Deputy Garcia::

Service Weapon Type:	Heckler and Kock .45, Semi-Automatic
Rounds Fired:	Four
Type of Ammunition Used:	Department Issued (Win) 45 Auto, Plus P
Date Employee Last Qualified:	[redacted]

Deputy Curko:

Service Weapon Type:	Beretta 9mm Semi-Automatic
Rounds Fired:	Four
Type of Ammunition Used:	Department Issued Luger (Win) Ranger SXT 147gr.
Date Employee Last Qualified:	[redacted]

Deputy [redacted]

Service Weapon Type:	Beretta 9mm Semi-Automatic
Rounds Fired:	Six
Type of Ammunition Used:	Department Issued Luger (Win) Ranger SXT 147gr.
Date Employee Last Qualified:	[redacted]

WEAPONS USED BY SUSPECT

The firearm was not recovered. All the deputies involved described the firearm as semi-automatic, blue steel. [redacted], Witness [redacted], stated the suspect threw the firearm out through vehicle's sun roof, during [redacted] attempt to evade the deputies.

PROPERTY DAMAGE

There was no property damage found or reported at either of the shooting locations. The suspect's vehicle was struck several times by gun fire.

IAB Note: Photographs of the suspect's vehicle are included in this report. See Exhibit J.

CRIMINAL INVESTIGATOR/CHARGES FILED

Investigators: Homicide Bureau - Detectives Richard Ramirez and Steven Katz.

Charges: Assault with a Deadly Weapon on a Peace Officer, 245 (D)(1) P.C.

INVOLVED EMPLOYEE STATEMENTS

Involved Deputy Antonio Garcia was interviewed by **Homicide Bureau** detectives on October 24, 2007, the morning after the shooting. Deputy Garcia said he was working a P.M. shift, two person Unit (210N1), and was the driver. His partner was Deputy [redacted] They were in Class B uniform, and driving a marked black and white patrol vehicle.

Deputy Garcia said they were patrolling in the city of Southgate, traveling east bound on Liberty Blvd., approaching San Antonio Av. He said he began making a left turn onto north bound San Antonio Av. As he made his turn, he saw the suspect's vehicle (black Nissan

Maxima) traveling south on San Antonio Av., at a high rate of speed. He said the suspect's vehicle did not have the headlights on. Deputy Garcia said he stopped his patrol vehicle and saw the suspect's vehicle was heading towards the driver's side of his patrol vehicle.

Deputy Garcia said as the suspect's vehicle got closer, he could see the vehicle contained a male Hispanic driver and a female Hispanic passenger. He saw the driver holding a firearm in his left hand, as he steered the vehicle with his right. Deputy Garcia said he immediately shouted out to his partner [redacted] advising him the suspect was in possession of a firearm. He said as the vehicle approached the patrol unit, the suspect pointed the firearm directly at him (Deputy Garcia).

IAB Note: Deputy Garcia stated that he was not able to see what type of firearm the suspect pointed at him. He described it as having a "black" barrel.

Deputy Garcia said he feared the suspect was going to shoot him, and his partner, and "ram" the patrol unit. Deputy Garcia said he drew his firearm from his holster and shot towards the suspect. Deputy Garcia said he shot his firearm from a sitting position, through the open driver's side window of the patrol unit. Deputy Garcia said he believed he shot three times.

IAB Note: Three expended .45 Caliber casings were found on the north east corner of Liberty Blvd. and San Antonio Av. See Exhibit F.

Deputy Garcia said the suspect quickly turned his vehicle to the right and drove onto west bound Liberty Blvd. He said he exited his patrol vehicle, and noticed the suspect's vehicle continued to travel west on Liberty Blvd., at a high rate of speed.

Deputy Garcia said he reentered his patrol vehicle and backed it southbound onto San Antonio Av. He then turned his vehicle westbound onto Liberty Blvd., in order to pursue the suspects. Deputy Garcia said as he was in the process of turning his patrol vehicle around, he heard several gunshots.

Deputy Garcia said he saw the suspect make a right hand turn onto northbound California Av., and they initiated a pursuit. He said Deputy [redacted] attempted to initiate emergency radio traffic, but the battery of his portable radio had completely lost its charge. He said Deputy [redacted] then grabbed the mobile radio's microphone and accidentally pulled the microphone wire from the radio's socket.

Deputy Garcia said he turned his patrol unit north on California Av., and saw the suspect vehicle also traveling north. He said the suspect's vehicle was approximately two blocks ahead of them. Deputy Garcia said he heard emergency radio traffic, advising deputies had been involved in a shooting. He realized it was deputies [redacted] and Curko (210N2) initiating the emergency radio traffic. Deputy Garcia said he gave Deputy [redacted] his portable radio, at which point Deputy [redacted] began advising that they were involved in a pursuit.

IAB Note: Recording of the emergent radio traffic is included in this report. See Exhibit M.

Deputy Garcia said they were never able to close the distance between themselves and the suspect's vehicle. He said they lost the suspect as they approached Maywood Av., and Slauson Av. Deputy [redacted] advised the assisting units they had lost the vehicle and he directed them to various containment locations.

Deputy Garcia said, a short time later, the suspect's vehicle was found parked on Loma Vista Av and 60th Street. He said they saw blood on the vehicle's driver's side and a blood trail leading to a nearby house. He said they also received information that a resident of the home had called the Maywood Police Department, and advised that a man inside the home was bleeding.

Deputy Garcia said a containment of the home was established and the residents were eventually called out of the home. He said the suspect and [redacted] eventually exited the home and were taken into custody. Deputy Garcia said he positively identified the suspect [redacted].

Involved Deputy Antonio Garcia was interviewed at **Internal Affairs Bureau** by Sergeants Carlos Flores and David Stunson, on July 2, 2008, at 1040 hours. He was represented by Green and Shinee Attorney Derold Brenneman. The interview was audio-recorded.

Deputy Garcia's statement and description of the incident during this interview was essentially the same as he provided to Homicide detectives, on the morning after the shooting. After his description of the incident, he answered questions relative to tactics and training.

Deputy Garcia said when he began making his turn onto northbound San Antonio Av., he saw the suspect vehicle traveling south, towards them. He said the suspect vehicle was traveling in the middle of the street, not on the proper right side. He said he was forced to stop his patrol vehicle, due to several parked vehicles on the east side of San Antonio Av.

Deputy Garcia said the suspect's vehicle approached their patrol vehicle so quickly, he did not have time to exit his vehicle or illuminate the suspect's vehicle with their spotlights. Deputy Garcia said he saw the suspect point a firearm in his direction, and he (Deputy Garcia) immediately drew his weapon and shot at the suspect. Deputy Garcia said he did not have time to put the suspect in "his sight," but rather he just pointed his firearm at the suspect and fired. He said the suspect was approximately five feet away when he shot at him.

Deputy Garcia said he was aware of his surroundings and the fact they were in a

residential neighborhood. He said he knew his "backdrop" was an empty street. He said after he shot at the suspect, the suspect turned his vehicle to the right, turning west on Liberty Blvd. Deputy Garcia said he exited the patrol vehicle because he was uncertain as to what the suspect was going to do. He saw the suspect continue west towards California Av.

Deputy Garcia said he then saw the silhouette of another police vehicle, parked on Liberty Blvd. He said he was uncertain what department the patrol vehicle was from. Deputy Garcia said he and his partner reentered their patrol vehicle, and he began turning it around in order to pursue the suspect. As he turned his vehicle around, he heard several gunshots, west of their location.

Deputy Garcia said he began traveling west on Liberty Blvd., and saw the suspect make a right turn onto northbound California Av. He said he continued west on Liberty Blvd., and saw deputies [redacted] and Curko, and their patrol vehicle. He said it was then he realized that it was their vehicle he had seen, seconds earlier. Deputy Garcia said he slowed his vehicle down, and saw that both deputies were okay. He then continued north on California Av., pursuing the suspect vehicle.

IAB Note: During his interview, Deputy Garcia was provided with a sketch of the scene. He was asked to mark his and the suspect's position when the incident occurred. See Exhibit F.

Deputy Garcia said when the shooting occurred, he and his partner, Deputy [redacted] were assigned to the Century Station Crime Impact Team (CIT). He said Deputies Curko and [redacted] were assigned to the team as well. He said the team had been tasked that day with patrolling the Walnut Park area, and the surrounding neighborhoods, due to increasing gang violence.

Deputy Garcia said they were also told to patrol the city of Southgate, in order to identify gang members in that area. Deputy Garcia said the directives were given to them by their sergeant, David Auner, at the request of the Century Station Operation Safe Streets Unit.

IAB Note: During his interview, Sergeant Auner confirmed he had given his team (CIT) the directive to patrol Walnut Park and surrounding areas, including Southgate.

Refer to Deputy Garcia's interview transcripts for further details.

IAB Note: Deputy Garcia's shooting and training records are included in this report. See Exhibit I.

Involved Deputy Marcello Curko was interviewed by **Homicide Bureau** detectives on October 24, 2007, the morning after the shooting. Deputy Curko said he was working a P.M. shift, two person Unit 210N2, and was the book man. His partner was Deputy [redacted]

[redacted]. They were in Class B uniform, and driving a marked black and white patrol vehicle.

Deputy Curko said they were traveling north on California Av., and their attention was drawn to a black and white unit traveling east on Liberty Blvd. Deputy Curko said the unit was approximately two to three blocks away, when they first noticed it. Deputy Curko said they decided to follow the unit to "make sure everything was okay."

Deputy Curko said as they made the right turn onto eastbound Liberty Blvd., they could see a police vehicle stopped on the corner of Liberty Blvd., and San Antonio Av. He said he did not know the patrol unit was a Sheriff's Department vehicle. He said he then heard several gunshots.

Deputy Curko said he saw a black vehicle make a right turn from San Antonio Av. onto westbound Liberty Blvd. He said the suspect's vehicle began traveling westbound at a high rate of speed, and swerving on the street. Deputy Curko said he and Deputy [redacted] exited their patrol vehicle, and he (Deputy Curko) ran towards the south sidewalk of Liberty Blvd.

Deputy Curko said as the suspect's vehicle approached, he saw the suspect had a firearm in his right hand. He said the suspect began maneuvering his hand to the north, pointing his weapon in that direction. Deputy Curko said he saw Deputy [redacted] standing on the north sidewalk, and he feared that the suspect was going to shoot him.

Deputy Curko said he retrieved his weapon and shot at the suspect approximately four times. He said the suspect continued westbound, but slowed down, appearing as though he was going to stop the vehicle. Deputy Curko said the suspect then accelerated the vehicle and made a right turn onto northbound California Av.

IAB Note: Four expended 9mm casings were found on the south sidewalk of Liberty Blvd. See Exhibit F.

Deputy Curko said he initiated emergent radio traffic, advising they had been involved in a shooting. He also advised the suspect's vehicle was now traveling northbound on California Av. Deputy Curko said he then saw the police unit he had seen earlier, traveling westbound on Liberty Blvd., and turn left onto northbound California Av. He said it was then he realized it was a sheriff's unit.

Deputy Curko said he and Deputy [redacted] reentered their patrol vehicle and began traveling north on California Av., in search of the suspect vehicle. Deputy Curko said a short time later they received information the vehicle was found parked on 60th Street and Loma Vista Av.

Deputy Curko said he responded to the location where the suspect was being detained.

He said he positively identified the suspect as the male that had pointed the firearm at Deputy [redacted].

Involved Deputy Marcello Curko was interviewed at **Internal Affairs Bureau** by Sergeants Carlos Flores and David Stunson, on July 2, 2008, at 1221 hours. He was represented by Green and Shinee Attorney Derold Brenneman. The interview was audio-recorded.

Deputy Curko's statement and description of the incident during this interview was essentially the same as he provided to Homicide detectives on the day of the shooting. After his description of the incident, he answered questions relative to tactics and training.

Deputy Curko said they turned onto eastbound Liberty Blvd., because they had seen a police vehicle travel in that direction. He said it is their standard practice to make contact with deputies and officers from other agencies, during the course of their shift. Deputy Curko said when they first saw the police vehicle traveling east on Liberty Blvd., they did not know it was deputies Garcia and [redacted]

Deputy Curko said when they heard the gunshots, Deputy [redacted] continued to drive a short distance, but then stopped the vehicle. They saw the black vehicle heading towards them, and they believed the vehicle was somehow involved with the gunshots they had heard. They made a tactical decision to exit their vehicle, and attempt to find positions of concealment or cover.

> **IAB Note:** Deputy Curko stated he exited his patrol vehicle and created some distance between himself and their vehicle. He said he has received training in which it was explained that during shooting situations they should exit their vehicle in order to increase their survivability.

Deputy Curko said there were several vehicles, parked close together, on the south side of Liberty Blvd. He said he was forced to run several feet eastbound, in order to run around the parked vehicles and reach the south sidewalk.

Deputy Curko said he was aware his partner had ran towards the north sidewalk of Liberty Blvd., but he lost sight of him. He said he was focused on the suspect's vehicle which was traveling towards them at a high rate of speed. Deputy Curko said he took a position near a city light post. He said based on the circumstances, the light post was his only option of concealment at that time.

> **IAB Note:** During his interview, Deputy Curko was provided with a sketch of the scene. He was asked to mark his and the suspect's position when the incident occurred. See Exhibit F.

Deputy Curko said as the suspect's vehicle approached, he clearly saw the suspect holding

on to a firearm in his right hand. He said the lights from the 7-11 and laundry mart provided ample lighting, and illuminated the interior of the suspect's vehicle. He said as the vehicle continued traveling west, he saw the suspect point his firearm in a north direction. Deputy Curko said he knew Deputy [redacted] had ran in that direction, and he feared the suspect was pointing the weapon at him.

IAB Note: Deputy Curko described the suspect's firearm as a blue steel, semi automatic.

Deputy Curko said fearing for his partners life, he fired his weapon at the suspect. He said he fired his weapon four times. Deputy Curko said the suspect was slightly east of his position, and approximately fifteen feet away, when he (Deputy Curko) fired his first round. He said he shot a total of four rounds. Deputy Curko said he shot his weapon in a controlled manner, acquiring his target (suspect) in his sights.

IAB Note: Four expended 9mm casings were found on the south sidewalk of Liberty Blvd. See Exhibit F.

Deputy Curko said the suspect continued driving west as he (Deputy Curko) fired his weapon. He said the suspect was perpendicular to his position when he fired his last round. He said the suspect continuously pointed his weapon in a northern direction as he (Deputy Curko) fired all four shots. He said he stopped firing due to the fact that he knew Deputy [redacted] had taken a position on the north sidewalk area. He said he was concerned about the possibility of hitting his partner with one of his rounds (crossfire). Deputy Curko said he was aware that his backdrop was the 7-11 and laundry mart. He said he also knew Deputy [redacted] was in the vicinity.

Deputy Curko said the suspect passed his position and slowed down the vehicle. He said he then saw Deputy [redacted], standing on the north sidewalk. He said the suspect continued driving, turning north on California Av. Deputy Curko said he utilized his portable radio and broadcasted they had been involved in a shooting. He said he then saw Deputy Garcia and [redacted] drive by, chasing the suspect's vehicle. He said it was only then that he realized it was a Sheriff's vehicle they had seen earlier.

Deputy Curko said he estimated the time between the first shooting and the suspect turning onto northbound California Av., from Liberty Blvd., to be twenty to twenty five seconds. He said by the time he and Deputy [redacted] reentered their vehicle and drove north on California Av., they could no longer see Deputy Garcia's or the Suspect's vehicle. Deputy Curko said he was not injured during the incident.

Deputy Curko said at th time of the shooting, he and Deputy [redacted] were assigned to the Century Station Crime Impact Team (CIT). He said Deputies Garcia and [redacted] were assigned to the team as well. He said the team had been tasked that day with patrolling the Walnut Park area, and the surrounding neighborhoods, due to increasing gang violence.

Deputy Curko said they were also told to patrol the city of Southgate, in order to identify gang members in that area. Deputy Curko said the directives were given to them by their sergeant, David Auner.

IAB Note: During his interview, Sergeant Auner confirmed that he had given his team (CIT) the directive to patrol Walnut Park and surrounding areas, including Southgate.

Refer to Deputy Curko's interview transcripts for further details.

IAB Note: Deputy Curko's shooting and training records are included in this report. See Exhibit I.

Involved Deputy [redacted] was interviewed by **Homicide Bureau** detectives on October 24, 2007, the morning after the shooting. Deputy [redacted] said he was working a P.M. shift, two person Unit, [redacted], and was the driver. His partner was Deputy Marcello Curko. They were in Class B uniform, and driving a marked black and white patrol vehicle.

Deputy [redacted] said he was traveling north on California Av. when his attention was drawn to a police vehicle, several blocks away. He said he saw the vehicle traveling east on Liberty Blvd., crossing California Av. Deputy [redacted] said he continued north on California Av., and made a right turn onto eastbound Liberty Blvd. As he made the turn he saw the patrol vehicle some distance away, "half way down the street."

Deputy [redacted] said he heard a "barrage" of gunshots. He said he then saw a black Nissan traveling westbound of Liberty Blvd., towards their patrol vehicle. Deputy [redacted] said he stopped his vehicle and told Deputy Curko to get out. He said he (Deputy [redacted]) exited his vehicle, and ran towards the north sidewalk of Liberty Blvd., looking for cover or concealment.

Deputy [redacted] said as he reached the north curb, he turned and saw the suspect inside the vehicle. He said the suspect was steering the vehicle with his left hand and holding a firearm with his right hand. He said the suspect was pointing the firearm directly at him.

Deputy [redacted] said fearing for his life, he shot at the suspect several times. After shooting at the suspect, the suspect vehicle slowed down and it appeared that it was going to stop. Deputy [redacted] said he noticed that he was completely out in the open, without any concealment or cover. He said he ran behind a brick wall that was located just east of where he had been standing. He said as he took cover the suspect sped off, making a right turn onto northbound California Av.

Deputy [redacted] said the patrol vehicle they had seen east on Liberty Blvd., drove past them, westbound on Liberty Blvd. He said the patrol vehicle then turned north on California Av., and went in pursuit of the suspect.

Deputy [redacted] said he and Deputy Curko reentered their patrol vehicle and he drove through the 7-11 parking lot, and turned north on California Av. He said he could not see the suspect or the other deputy's (Garcia and [redacted] patrol vehicle. He said he heard the deputies broadcast the pursuit, and he began driving towards the direction the pursuing deputies said they were going.

Deputy [redacted] said he heard the deputies say they had lost the suspect vehicle, and they began checking the area, trying to find it. He said he was later advised the suspect vehicle had been found, and the suspect was possibly inside a residence. He responded to the residence, and observed when the occupants of the home were called out. He said the suspect exited the home, and he (Deputy [redacted]) immediately identified him as the suspect.

Involved Deputy [redacted] was interviewed at **Internal Affairs Bureau** by Sergeants Carlos Flores and David Stunson, on July 2, 2008, at 1330 hours. He was represented by Green and Shinee Attorney Derold Brenneman. The interview was audio-recorded.

Deputy [redacted]'s statement and description of the incident during this interview was essentially the same as he provided to Homicide detectives on the day of the shooting. After his description of the incident, he answered questions relative to tactics and training.

Deputy [redacted] said he turned east on Liberty Blvd., because they had seen a police vehicle travel in that direction. He said it is their standard practice to make contact with deputies and officers from other agencies, during the course of their shift. Deputy [redacted] said when they first saw the police vehicle traveling east on Liberty Blvd., they did not know it was deputies Garcia and [redacted]

Deputy [redacted] said upon turning east on Liberty Blvd., they saw the police vehicle stopped at the corner of Liberty Blvd., and San Antonio Av. He said they heard several gunshots, and saw a vehicle traveling west on Liberty Blvd., towards them. He said he did not hear any radio traffic, and he believed the deputies or officers on Liberty Blvd., and San Antonio Av., had just been shot.

Deputy [redacted] said he stopped and "parked" his patrol vehicle, and told his partner to "bail out." He said both he and his partner exited the patrol vehicle. Deputy [redacted] said he ran towards the north curb of Liberty Blvd., and he saw his partner, Deputy Curko, run towards the south curb.

> **IAB Note:** During his interview, Deputy [redacted] was provided with a sketch of the scene. He was asked to mark his and the suspect's position when the incident occurred. See Exhibit F.

Deputy [redacted] said the suspect's vehicle continued to approach, and he saw the driver (suspect) had a firearm in his right hand. He said the suspect was steering the

vehicle with his left hand and pointed the firearm at him (Deputy [redacted]), with his right. Deputy [redacted] said fearing for his life, he shot at the suspect with his department issued firearm.

Deputy [redacted] said he was standing on the north sidewalk when he shot at the suspect. He said he was approximately fifteen feet away from the suspect when he shot at him. Deputy [redacted] said the area was very well lit, and he was able to clearly see the suspect and the firearm. Deputy [redacted] said he believes he shot his weapon four or five times. Deputy [redacted] said he shot all of his rounds in a continuous succession fashion.

> **IAB Note:** Six expended 9mm casings were found on the north sidewalk of Liberty Blvd. See Exhibit F.

Deputy [redacted] said he acquired the suspect in his sights as he fired his weapon. He said the suspect continued driving westbound on Liberty Blvd., and continued pointing the weapon at him. Deputy [redacted] said when he fired his last round, the suspect was perpendicular to his position. He said he knew Deputy Curko had taken a position on the south side of the street; however, he did not see him in his backdrop, when he fired his weapon. Deputy [redacted] said he was concerned that he and Deputy Curko had placed themselves in a "crossfire" situation.

Deputy [redacted] said the suspect's vehicle slowed down as it passed him, and almost came to a complete stop. He said he realized he was standing in an area that was completely void of any cover or concealment. Deputy [redacted] said he quickly ran towards a brick wall, just east of his position. He said as he took cover, the suspect accelerated the vehicle and turned north on California Av.

Deputy [redacted] said he shouted for his partner to broadcast the shooting on the radio. He said he then saw a sheriff's unit traveling west on Liberty Blvd., and he realized it was Deputy Garcia and Deputy [redacted] He said the deputies drove passed them, and did not stop.

Deputy [redacted] said he and Deputy Curko reentered their patrol vehicle and began traveling north on California Av. He said they saw Deputy Garcia's vehicle some distance away, but they could not see the suspect's vehicle.

Deputy [redacted] said at the time of the shooting, he and Deputy Curko were assigned to the Century Station Crime Impact Team (CIT). He said Deputies Garcia and [redacted] were assigned to the team as well. He said the team had been tasked that day with patrolling the Walnut Park area, and the surrounding neighborhoods, due to increasing gang violence.

Deputy [redacted] said they were also told to patrol the city of Southgate, in order to identify gang members in that area. Deputy [redacted] said the directives were given to them by their sergeant, David Auner.

IAB Note: During his interview, Sergeant Auner confirmed that he had given his team (CIT) the directive to patrol Walnut Park and surrounding areas, including Southgate.

Refer to Deputy [redacted]'s interview transcripts for further details.

IAB Note: Deputy [redacted]'s shooting and training records are included in this report. See Exhibit I.

EMPLOYEE WITNESSES

[redacted]

Witness Deputy [redacted] was interviewed by **Homicide Bureau** detectives on October 24, 2007, the morning after the shooting. Deputy [redacted] said he was working a P.M. shift, two person Unit, 210N1, and was the book man. His partner was Deputy Antonio Garcia. They were in Class B uniform, and driving a marked black and white patrol vehicle.

Deputy [redacted] stated they were traveling east on Liberty Blvd., towards San Antonio Av. He said they began making a left turn onto northbound San Antonio Av., when they saw a black vehicle traveling south on San Antonio Av. He said the vehicle's headlights were off and it was traveling at a high rate of speed. Deputy [redacted] said Deputy Garcia stopped the patrol vehicle in the intersection, facing in a northeast direction.

Deputy [redacted] said the suspect vehicle continued coming towards them, and it appeared it was going to hit their patrol vehicle. He said as it approached he could see the suspect had his two hands on the steering wheel, but was holding on to a firearm with his left hand.

IAB Note: Deputy [redacted] described the firearm as a "black, semi-automatic."

Deputy [redacted] said he saw the suspect pointing the firearm at Deputy Garcia, and he heard Deputy Garcia shout [redacted]" Deputy [redacted] said he then heard gunshots. He said he exited the patrol vehicle, and took cover behind the rear passenger door.

Deputy [redacted] said the suspect turned west on Liberty Blvd., at which point he heard additional gunshots. Deputy [redacted] said he reentered the patrol vehicle. He said he attempted to initiate emergent radio traffic, but his portable radio's battery was dead. He said he grabbed the mobile radio's microphone and somehow he pulled the wire from the socket.

Deputy [redacted] said they traveled west on Liberty Blvd., and heard their partners (Deputies [redacted] and Curko) broadcasting emergency radio traffic. He said as they continued north on California Av., he asked Deputy Garcia for his portable radio, so he could

broadcast the pursuit. Deputy [redacted] said the suspect was driving at a high rate of speed, and had gained a good distance. He said the suspect was too far away, and he was unable to read the vehicle's license plate.

Deputy [redacted] said they pursued the suspect until they reached Maywood Av. at Slauson Av. He said they lost sight of the suspect's vehicle, and he began directing assisting units to containment positions. He said the vehicle was found on Loma Vista Av. and 60th Street. The vehicle contained blood on the driver's seat and they observed a blood trail leading to one of the homes in that area.

Deputy [redacted] said he was present when the suspect exited the home. He said he identified the suspect and his female passenger.

Witness Deputy [redacted] was interviewed at **Internal Affairs Bureau** by Sergeants Carlos Flores and David Stunson, on July 17, 2008, at 1010 hours. He was represented by Green and Shinee Attorney Derold Brenneman. The interview was audio-recorded.

Deputy [redacted] statement and description of the incident during this interview was essentially the same as he provided to Homicide detectives on the day of the shooting. After his description of the incident, he answered questions relative to tactics and training.

Deputy [redacted] said when his partner, Deputy Garcia, fired at the suspect, he (Deputy [redacted]) was not in a position to fire his weapon. He said Deputy Garcia was directly in his line of fire. Deputy [redacted] said as soon as he heard the gunshots, he exited the vehicle and took cover at the rear of their patrol vehicle. Deputy [redacted] said he then looked to see what the suspect was going to do. He saw the suspect had made a right turn on Liberty Blvd., and was traveling west towards California Av.

> **IAB Note:** During his interview, Deputy [redacted] was provided with a sketch of the scene. He was asked to mark his and the suspect's position when the incident occurred. See Exhibit F.

Deputy [redacted] said he attempted to broadcast the shooting on his portable radio, but the battery had gone dead. He attempted to utilize the mobile radio, but he pulled the microphone wire out of the radio socket. Deputy [redacted] said he and Deputy Garcia re entered their vehicle and began turning it around, in order to pursue the suspect. As Deputy Garcia turned the vehicle around, they heard additional gunshots, west of their position.

Deputy [redacted] said they began traveling west on Liberty Blvd., and saw another Sheriff's Department patrol vehicle, parked on the south side of Liberty Blvd., east of California Av. He said he then saw Deputy [redacted] standing on the north sidewalk of Liberty Blvd. He said Deputy [redacted] appeared to be uninjured. Deputy [redacted] said he began to hear Deputy Curko broadcast on the radio they had been involved in a shooting.

Deputy [redacted] said Deputy Garcia began traveling north on California Av., pursuing the suspect. He said the suspect was a couple blocks ahead of them, and traveling at a high rate of speed. Deputy [redacted] asked Deputy Garcia to give him his portable radio, and he began advising the assisting units they were in pursuit of the suspect.

Deputy [redacted] said they pursued the suspect until they reached Maywood Av. at Slauson Av. He said they lost sight of the suspect's vehicle and he began directing assisting units to containment positions. He said the vehicle was found on Loma Vista Av. and 60th Street. The vehicle contained blood on the driver's seat and they observed a blood trail leading to one of the homes in that area.

Deputy [redacted] said he was present when the suspect exited the home. He said he identified the suspect [redacted].

Witness Sergeant David Auner was telephonically interviewed by Internal Affairs Bureau Sergeant Carlos Flores on July 17, 2008, at 1600 hours. The interview was audio recorded.

Sergeant Auner stated he is now assigned to the Department's Safe Streets Bureau. He said when the shooting incident occurred, he was assigned to the Century Station's Crime Impact Team (CIT). He said all four of the involved deputies were assigned to his team, and worked directly for him.

Sergeant Auner stated his team (CIT) would receive missions or directives from the Station's Detective Bureau, Station's Narcotics Detectives and the Station Operation Safe Streets Bureau. He said on a regular basis, these detectives would utilize his team to gather intelligence or suppress violent crime.

Sergeant Auner said on October 23, 2007, he had been requested by the Operations Safe Street Detectives to direct his team to conduct "saturation" patrols in the Walnut Park area. He said they had received information the "Florencia 13" Gang had increased their activity in that area, and had expanded their activities into other areas, including in the cities of Huntington Park and Southgate.

Sergeant Auner said he directed his team to make contacts and identify gang members in those areas. He said they did this in the hopes of making arrests and developing informants. Sergeant Auner said he was not present when the shootings occurred, but was aware that his team members would be patrolling those areas. Sergeant Auner said he later wrote a memo to the COPS Bureau Captain, Jack Jordan, explaining the team's mission on October 23, 2007.

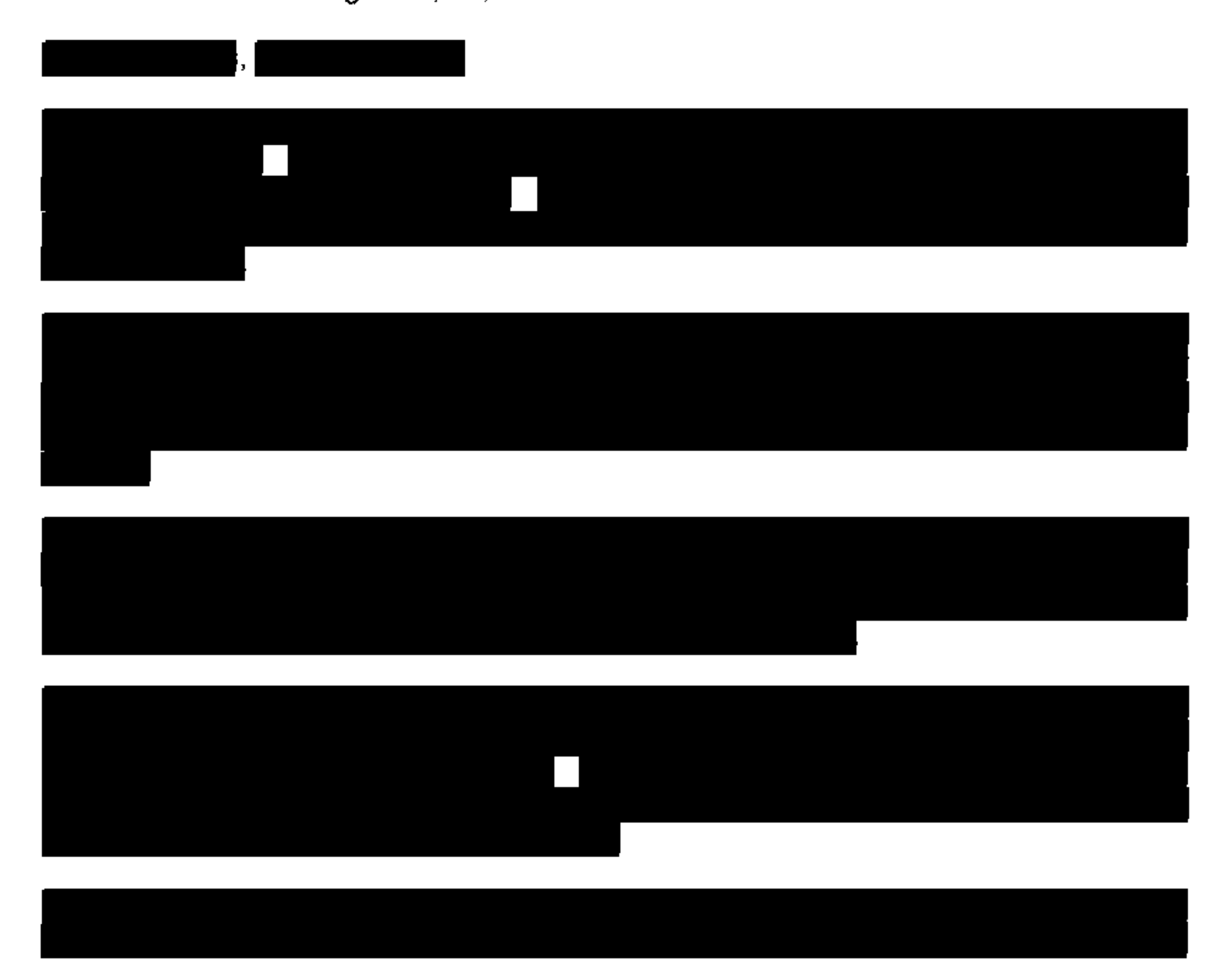
IAB Note: A copy of Sergeant Auner's memo is included in this report. See Miscellaneous documents.

CIVILIAN WITNESSES

The residential neighborhood near the shooting scene, on Liberty Blvd., was canvassed for any potential witnesses. The area was canvassed by Homicide Detective Dawn Retzlaff, Internal Affairs Sergeant David Stunson and several members of the District Attorney's Office. Deputies Juan Rodriguez #[redacted], Edgar Bonilla #[redacted], Robert Galbraith #[redacted] and Choong Lee #[redacted], also assisted in canvassing for witnesses.

Several of the neighborhood residents stated they heard gunshots, but none actually witnessed the shootings or had any knowledge of the circumstances surrounding the incident. The names of the residents contacted, and a summary of their interviews, are included on the Supplemental Reports in the IAB case book. Supplemental reports, regarding residents contacted, were submitted by: Detective Retzlaff, Deputies Galbraith, Lee and Rodriguez.

IAB Note: Supplemental Reports are included in this report. See Exhibit N, Pages 18, 22,27 and 40.



[redacted], [redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

IAB Note: During his interview with investigators, Suspect Delacruz said he was traveling south on California Av., when they first saw the police vehicle.

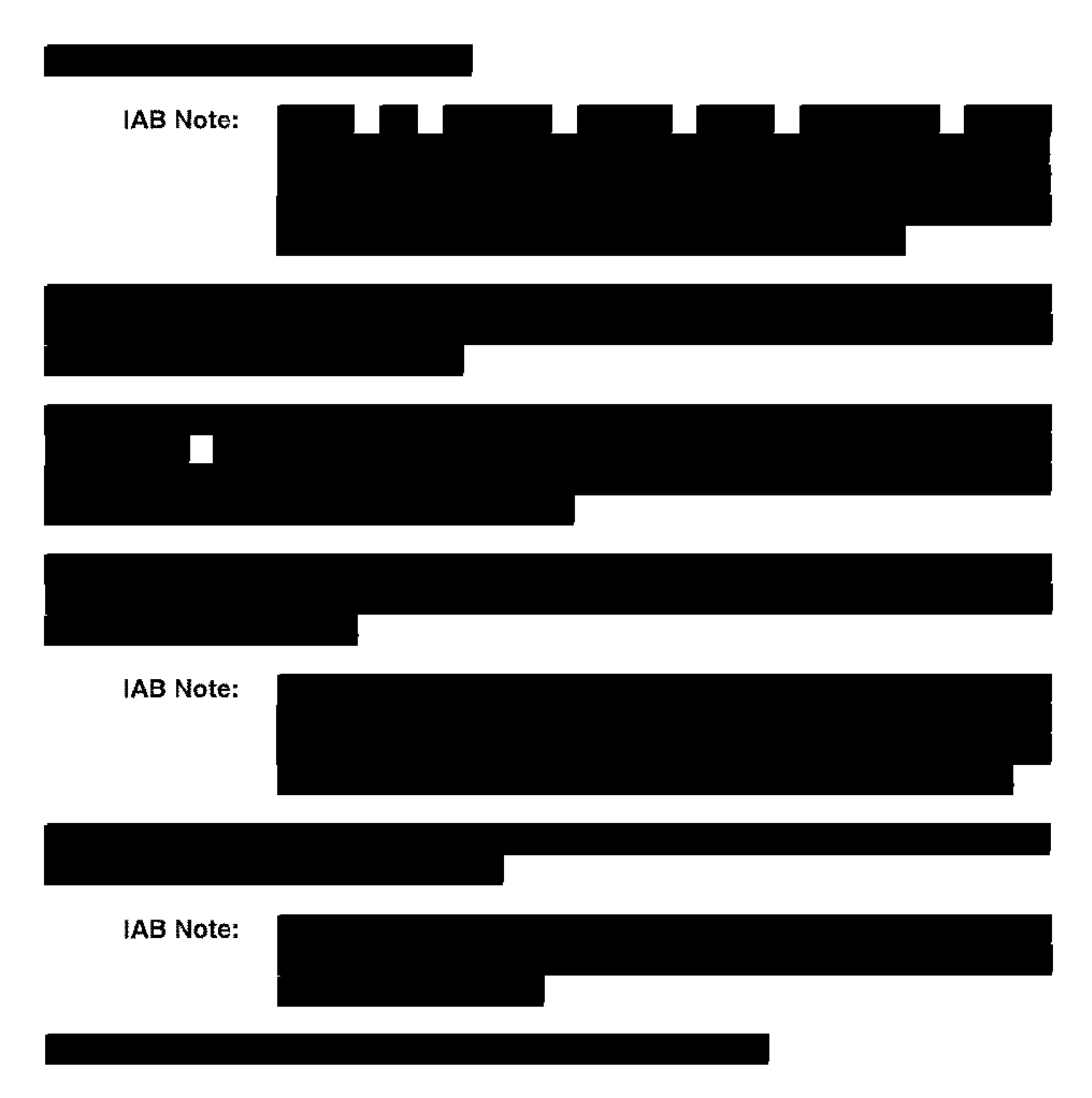
[redacted]

IAB Note: Witness [redacted] did not know what Department the police vehicle belonged to. During their interviews with Internal Affairs Investigators, all the involved deputies said they were unaware that the suspect had evaded a police officer prior to the shooting. None of the deputies said they had attempted to stop the suspect's vehicle, prior to the shooting. Homicide investigators checked with several of the police agencies in the area, but none reported they had attempted to stop the suspect's vehicle, or had been involved in a pursuit with the suspect.

[redacted]

IAB Note: [redacted]

[redacted]



[redacted]

IAB Note: [redacted]

[redacted]

[redacted]

[redacted]

IAB Note: [redacted]

[redacted]

IAB Note: [redacted]

[redacted]

SUSPECT'S STATEMENTS

Suspect Jesus Delacruz was interviewed by Homicide Detectives Richard Ramirez and Steven Katz on October 24, 2007. The interview was conducted at St. Francis Hospital in the city of Lynwood. The interview was audio recorded.

> **IAB Note:** During his interview, Suspect Delacruz admitted to being on active parole. He also admitted to being a member of "[redacted]" Gang. He stated that he was no longer "active" in the gang. Suspect Delacruz said his driver's license was also suspended.

Suspect Delacruz said he borrowed a friend's car and [redacted] He said he was driving around, and eventually began traveling south on California Av. He said he stopped for a red light on California Av. at Firestone Blvd. He saw a police vehicle also stopped at the red light, facing north.

> **IAB Note:** Suspect Delacruz said he did not know what department the officers were from. During their interviews with Internal Affairs Investigators, all the involved deputies said they were unaware that the suspect had evaded a police officer prior to the shooting. None of the deputies said they had attempted to stop the suspect's vehicle, prior to the shooting. Homicide investigators checked with several of the police agencies in the area, but none reported they had attempted to stop the suspect's vehicle or had been involved in a pursuit with the suspect. During her interview, [redacted]

Suspect Delacruz said as the light turned green they passed each other. He said he looked in his rear view mirror to see what the officers were going to do. He said he saw them make a U-turn and follow behind him. Suspect Delacruz said he was approximately two to three blocks ahead of the officer's vehicle.

Suspect Delacruz said he made several turns in order to lose the officers. He said he parked the car in a driveway of a residence on San Antonio Av., and exited the vehicle and ran. Suspect Delacruz said he jumped several fences, and could hear the police vehicle on Liberty Blvd. He said he then saw the officers turn north on California Av., by the 7-11.

> **IAB Note:** Suspect Delacruz said he did not retrieve anything from the vehicle when he exited. He said he did not drop anything off at that location.

Suspect Delacruz said he then returned to his car, and traveled south on San Antonio Av. He said when he approached Liberty Blvd., he saw a police vehicle. He said the officers opened their car door and told him to put his hands up. Suspect Delacruz said the officer then shot at him.

Suspect Delacruz said he accelerated the vehicle and turned west on Liberty Blvd. He said he saw another police vehicle traveling east on Liberty Blvd., towards his car. He said the officer stopped, exited his vehicle, and began shouting at him. Suspect Delacruz said he raised his hands and the officer shot at him as he drove passed him.

Suspect Delacruz said he became scared and drove away north onto California Av. He said he was approximately three blocks away when he saw the officers turn north on California Av., with their lights and sirens on. Suspect Delacruz said he made a right turn on Gage Av., where he no longer saw the police vehicles. He said he then drove to his friends home on Loma Vista Av. and 60th Street.

Suspect Delacruz said he was allowed into his friend's home, and could hear the police sirens and helicopter overhead. He said they were eventually called out of the house and arrested.

Suspect Delacruz said he was never in possession of a firearm. He said he never pointed a weapon at the deputies. He denied ever throwing a firearm from the sun roof of the vehicle.

IAB Note: During her interview, Witness [redacted] said Suspect Delacruz was in possession of a firearm, and had pointed it at the deputies. She also stated Suspect Delacruz threw the firearm out of the vehicle's sun roof, while fleeing from the police. Searches for the firearm met negative results.

Refer to Suspect Delacruz' interview transcript for further details.



LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
JUSTICE SYSTEM INTEGRITY DIVISION

STEVE COOLEY • District Attorney
JOHN K. SPILLANE • Chief Deputy District Attorney
CURTIS A. HAZELL • Assistant District Attorney

JANICE L. MAURIZI • Director

May 13, 2008

Captain James Curtis
Homicide Bureau
Los Angeles County Sheriff's Department
5747 Rickenbacker Road
Commerce, California 90040

RE: J. S. I. D. File No. 07-0650
L.A.S.D. File No. 007-20819-2199-055

Dear Captain Curtis:

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the October 23, 2007, non-fatal shooting of Jesus De La Cruz by Los Angeles County Sheriff's Deputies Marcello Curko, Antonio Garcia, and [redacted]. We have concluded that the deputies acted lawfully in self-defense and in defense of others.

The following analysis is based upon our examination of an investigative file prepared by the Los Angeles County Sheriff's Department (LASD), which included investigative reports, analyzed evidence reports, and witness' statements submitted to this office by Detective Richard Ramirez on November 28, 2007. The District Attorney Command Center was notified of the shooting at approximately 2:27 a.m. on October 24, 2007. The District Attorney Response Team, comprised of Deputy District Attorney [redacted] and District Attorney Senior Investigators [redacted] and [redacted], responded to the scene. They were given a briefing of the circumstances surrounding the shooting and a "walk-through" of the scene. No compelled statements were considered in our analysis.

FACTUAL ANALYSIS

On October 23, 2007, at approximately 11:15 p.m., LASD Deputies Antonio Garcia and [redacted] were on patrol in a marked black and white Sheriff's vehicle in the city of South Gate. Deputy Garcia was driving and Deputy [redacted] was in the front passenger seat. As they turned from Liberty Boulevard and drove northbound on San Antonio Avenue, Garcia and [redacted] observed a black Nissan Maxima speeding towards them. Garcia believed that the Nissan was going to ram them. The Nissan was driven by Jesus De La Cruz, [redacted], [redacted]. As the Nissan approached the patrol vehicle near the

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intersection of Liberty Boulevard and San Antonio Avenue, Deputies Garcia and [redacted] saw that De La Cruz was pointing a gun at them with his left hand. Deputy Garcia yelled out, "[redacted]!" indicating the Penal Code section that De La Cruz had a gun. In fear for his life and the life of his partner, Deputy Garcia immediately responded with gunfire and fired three rounds at De La Cruz. Suddenly, De La Cruz made a right turn and drove the Nissan westbound on Liberty Boulevard. Deputy Garcia turned the patrol vehicle around on San Antonio Avenue, and drove westbound on Liberty Boulevard to attempt to apprehend De La Cruz.

At the time of the shooting at the intersection of Liberty Boulevard and San Antonio Avenue, Deputies Curko and [redacted] were driving eastbound on Liberty Boulevard, near California Avenue in a marked police car. Deputy [redacted] was driving and Deputy Curko was in the front passenger seat. Curko and [redacted] heard gun shots in the area east of their location. The deputies observed a black and white patrol vehicle in the intersection of Liberty Boulevard and San Antonio Avenue. The deputies noticed that the Nissan had its headlights off and was driving towards them at a high rate of speed.

Curko and [redacted] stopped and exited their patrol vehicle to defend themselves from the rapidly approaching car. Deputy Curko ran to the south curb in front of [redacted] Liberty Boulevard; [redacted] ran across the street. As Curko and [redacted] fled their vehicle, they saw De La Cruz point a dark colored pistol in Deputy [redacted]'s direction. Fearing for his life, Deputy [redacted] fired nine rounds at De La Cruz. In fear for his partner's life, Deputy Curko fired four rounds at De La Cruz.

After Curko and [redacted] fired rounds at De La Cruz, he momentarily stopped the car. [redacted] quickly ran and positioned himself behind a small wall in a 7-Eleven Convenience Store parking lot. De La Cruz quickly drove the vehicle westbound on Liberty Boulevard then northbound on California Avenue. Deputies Garcia and [redacted] pursued the Nissan. Deputies Curko and [redacted] ran back to their patrol car. Both pairs of deputies pursued the Nissan. De La Cruz tried to evade the deputies and drove at speeds of nearly 80 miles per hour through city streets in South Gate, Maywood, and Huntington Park. De La Cruz ran numerous red lights, and eventually escaped.

De La Cruz, along with [redacted], drove to his friend [redacted]'s home at [redacted] Loma Vista in Huntington Park. [redacted] lived at the Loma Vista address with his entire family, including his parents, [redacted] and [redacted], and his brother [redacted]. Several family members noticed that De La Cruz was bleeding from his left leg and head. [redacted] let De La Cruz and [redacted] inside the home. De La Cruz told [redacted] that he had been shot, but neither De La Cruz nor [redacted] provided any details as to the shooting. [redacted] called 9-1-1 because of De La Cruz's injuries.

Deputies located De La Cruz's vehicle on the 5900 block of Loma Vista Avenue in Huntington Park. Detectives observed that De La Cruz's Nissan was riddled with bullet holes, including the front windshield, front hood, and the front passenger seat window. Detectives located drops of blood coming from De La Cruz's vehicle leading up the driveway and to the rear of a home located at [redacted] Loma Vista. While at the location,

Huntington Park Police Department received a 9-1-1 call regarding a gunshot victim inside the home at the location.

De La Cruz was arrested without incident and was transported to St. Francis Hospital via ambulance. He was treated for gunshot wounds to the top of his head, right forearm, lower back, groin, and left thigh.

While recovering from his gunshot wounds at St. Francis Hospital, Jesus De La Cruz waived his Miranda rights and spoke to investigators. De La Cruz admitted to driving the Nissan that evening and that he was driving without a license. He was driving with [redacted] when he saw a black and white patrol car[1] going northbound on Long Beach Boulevard. When the patrol car appeared to start following him, De La Cruz stated that he panicked as he had been drinking, he did not have a driver's license, and he was on parole. When he saw the patrol car activate its red lights, De La Cruz admitted that he should have stopped but he chose not to. After speeding away from the police car, he pulled into a driveway and exited the Nissan to evade the police. When he believed that he had successfully lost them, he drove away. Shortly after, near the intersection of San Antonio Avenue and Liberty Boulevard, De La Cruz encountered Deputies Garcia and [redacted] in their patrol vehicle. The deputies ordered him to "Freeze, Stop! Put your hands up!" The deputies' commands were immediately followed by gun fire. Instead of stopping, De La Cruz admitted to "stepping on the throttle," and driving quickly away from the deputies. Shortly afterward, De La Cruz encountered Deputy Curko and [redacted]'s patrol car. De La Cruz realized that he had been shot and thought to himself, "I've been shot, I'm through right here, they're just going to finish me off right here." He heard one of the deputies yell, "Freeze," but he continued driving away from the deputies. De La Cruz stated that he did not stop because he was scared and he was concerned that [redacted] would be shot.

After the shootings, De La Cruz drove at a high rate of speed to evade the deputies. When De La Cruz [redacted] reached the railroad tracks at Randolf and Maywood Avenues, he realized that the patrol cars were no longer following him. He drove to [redacted] house. Minutes later, he was arrested by sheriff's deputies.

De La Cruz denied he ever had a firearm that evening.

De La Cruz admitted that he used to be a member of the "[redacted]" street gang. [redacted]

No one witnessed the shootings, but numerous people heard two distinct rounds of gun shots. Several people also heard the sound of screeching tires and a car traveling at a high rate of

[1] It is unknown what police agency initially tried to conduct a traffic stop on De La Cruz.

speed. [redacted] was studying at the time of the initial shooting. [redacted] heard three gun shots coming from the front side of his home on Liberty Boulevard, then heard someone yell, "Stop!" numerous times. [redacted] then heard four or five additional gun shots, followed by the sound of a vehicle spinning its tires. The vehicle sounded as if it left at a high rate of speed. [redacted] stated that he heard gun fire coming from the front side of his home on Liberty Boulevard. [redacted] then heard someone repeatedly yell, "Stop!" [redacted] heard additional gun shots and heard a vehicle driving off at a high rate of speed. [redacted] stated that she heard someone say, "Get out of the fucking car!," immediately followed by the sound of gunfire.

The [redacted]

[redacted]

[redacted]

[redacted]

---

2 [redacted]


[redacted]

[redacted]

Jesus De La Cruz has been charged with three counts of Penal Code § 245(d)(1), assault with a firearm on a peace officer in case number VA103235. The case is still pending in court.

LEGAL ANALYSIS

Penal Code §§ 692-694 specifically authorize any individual protecting himself or another to use all force which he believes to be reasonably necessary and which would appear to a reasonable person in the same or similar circumstances, to be necessary to prevent the injury which appears to be imminent. *See also, California Jury Instructions-Criminal 5.30, 5.32.*

When the peril is swift and imminent and the necessity for action immediate, the law does not weigh into nice scales the conduct of the assailed and say he shall not be justified in killing because he might have resorted to other means to secure his safety. *People v. Collins* (1961) 189 Cal. App.3d 575.

A person threatened with an attack that justifies the exercise of the right to self-defense need not retreat. In the exercise of his right of self-defense a person may stand his ground and defend himself by all force and means which would appear to be necessary to a reasonable person in a similar situation and with similar knowledge; and a person may pursue his assailant until he has secured himself from danger if that course, likewise, appears reasonably necessary. This law applies even though the assailed person might more easily have gained safety by flight or withdrawing from the scene. *California Jury Instructions Criminal (CALJIC) 5.5.*

CONCLUSION

On October 23, 2007, at approximately 11:15 p.m., Deputies Garcia and [redacted] observed a Nissan speeding towards them. The driver of the car, Jesus De La Cruz, pointed a firearm at the deputies. In fear for his life and the life of his partner, Deputy Garcia immediately responded with gun fire. Jesus De La Cruz drove the Nissan down Liberty Boulevard at a high rate of speed to escape from Deputies Garcia and [redacted] Half a block further down Liberty Avenue, De La Cruz encountered Deputies Curko and [redacted]. He drove the Nissan towards their patrol car. Curko and [redacted] fled from the car and took positions at opposing sides of the street. De La Cruz then pointed the firearm at Deputy [redacted]. In fear for their lives, both Deputy Curko and [redacted] fired numerous rounds at De La Cruz.

De La Cruz's actions placed the deputies in imminent danger of death or great bodily injury. We find that Deputies Marcello Curko, Antonio Garcia, and [redacted] acted in

lawful self-defense and in defense of others. We are closing our file and will take no further action in this matter.

Very truly yours,

STEVE COOLEY
District Attorney

By

[redacted]
Deputy District Attorney
[redacted]

c: Deputy Marcello Curko, Serial No. [redacted]
Deputy Antonio Garcia, Serial No. [redacted]
Deputy [redacted]

761551N25A - SH-AD-32A (2/72)

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

A Tradition of Service

DATE: September 25, 2008

OFFICE CORRESPONDENCE FILE NO. SH2194885

FROM: ERIC B. SMITH, COMMANDER
LEADERSHIP AND TRAINING DIVISION

TO: KARYN MANNIS, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: **EXECUTIVE FORCE REVIEW COMMITTEE DISPOSITION:**
DEPUTY ANTONIO GARCIA #[redacted]
DEPUTY [redacted]
DEPUTY MARCELLO CURKO #[redacted]
CENTURY STATION

On October 23, 2007 at approximately 2352 hours, Deputies Garcia and [redacted] were in their patrol vehicle when they saw another vehicle speeding toward them with the headlights off. When the vehicle got next to them, the driver (Suspect Delacruz) pointed a handgun at them, and both deputies fired their weapons at him. As Suspect Delacruz sped away the deputies heard gun shots from the vehicle.

As this happened, Deputies [redacted] and Curko were down the street from the location, and they exited their patrol car to seek cover from the suspect. As the vehicle approached, Suspect Delacruz pointed his firearm at Deputy [redacted]. Both deputies fired several rounds at Suspect Delacruz, and he continued to drive away. Deputies Garcia and [redacted] then pursued the suspect. Deputies [redacted] and Curko reentered their vehicle and tried to assist in the pursuit, however, they were unable to see the suspect's vehicle once they drove from the location.

Assisting deputies soon located the suspect's vehicle in Maywood, and a blood trail led from the car to the house. Additionally, the deputies were advised that a phone call was placed to Maywood Police Department regarding a gunshot victim at the location.

Deputies contained the residence, and utilizing their "PA" system, ordered the occupants out of the house. Suspect Delacruz exited the home, along with his female companion. All four of the involved deputies identified Suspect Delacruz as the suspect who had pointed the firearm at them and he was arrested.

Suspect Delacruz sustained multiple gunshot wounds and was transported to St. Francis Hospital where he was treated for his injuries.

On September 25, 2008 the Executive Force Review Committee convened and conducted a review regarding the facts of this case. The applicable policies that were evaluated by the committee were: MMP §§ 3-01/025.00, Use of Force; 3-01/025.30, Use of Firearms and Deadly Force; 3-01/025.10, Unreasonable Force; and 3-01/050.10, Performance to Standards.

Concerning:

MMP § 3-01/025.00, Use of Force, MMP § 3-01/025.30, Use of Firearms and Deadly Force, and MMP § 3-01/025.10, Unreasonable Force, the Committee determined that the force used by Deputy Antonio Garcia #[redacted] was reasonable and necessary and in compliance with Department policy.

MMP § 3-01/025.00, Use of Force, MMP § 3-01/025.30, Use of Firearms and Deadly Force, and MMP § 3-01/025.10, Unreasonable Force, the Committee determined that the force used by Deputy [redacted] was reasonable and necessary and in compliance with Department policy.

MMP § 3-01/025.00, Use of Force, MMP § 3-01/025.30, Use of Firearms and Deadly Force, and MMP § 3-01/025.10, Unreasonable Force, the Committee determined that the force used by Deputy Marcello Curko #[redacted] was reasonable and necessary and in compliance with Department policy.

MMP § 3-01/050.10, Performance to Standards, the Committee determined that the tactics employed by all personnel in this incident were within Department Policy.

Eric B. Smith, Commander

EBS:YLW:yw